

## DECLARATION AND PETITION



As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled METHODS AND APPARATUS FOR OPTICAL DISC DATA ACQUISITION USING PHYSICAL SYNCHRONIZATION MARKERS

the specification of which

(check one) \_\_\_\_\_ is attached hereto XX was filed on August 21, 2000 as Application Serial No. 09/643,106 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed.

## Prior Foreign Application(s)

Priority Claimed

Number	(Country)	(Day, month, year filed)	yes	no
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I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

60/150,288	August 23, 1999	Provisional
(Application Serial No.)	Filing Date	(Status – Patented, pending, abandoned)
(Application Serial No.)	Filing Date	(Status – Patented, pending, abandoned)

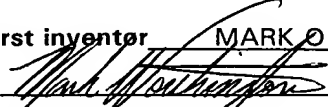
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please send all correspondence to:

**OPPENHEIMER WOLFF & DONNELLY LLP**  
 2029 Century Park East, Suite 3800  
 Los Angeles, California 90067  
 Attn: David J. Oldenkamp, Esq.

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

Full name of sole or first inventor MARK O. WORTHINGTON

Inventor's signature  Date 9/28/00

Residence 13841 TUSTIN EAST #138, TUSTIN, CALIFORNIA 92780

Citizenship US

Post Office Address SAME AS ABOVE

☒ Inventors Continued on Following Page(s)

Full name of second inventor GREGORY R. BASILE

Inventor's signature *GBasile* Date 9/19/2000

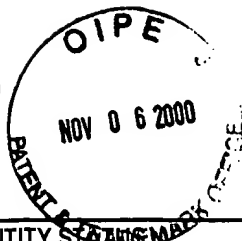
Residence 2918 MAYDELLE, FARMERS BRANCH, TEXAS 75234

Citizenship US

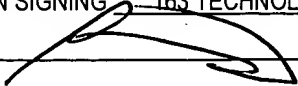
Post Office Address SAME AS ABOVE

☒ Inventors Continued on Following Page(s)

Full name of third inventor JAMES R. NORTON  
Inventor's signature *James R. Norton* Date 9-28-00  
Residence 19321 FISHER LANE, SANTA ANA, CALIFORNIA 92705  
Citizenship US  
Post Office Address SAME AS ABOVE



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Technology Center 2600  
PTO/BDP

<b>STATEMENT CLAIMING SMALL ENTITY STATUS</b> (37 CFR 1.9(f) & 1.27(c))—SMALL BUSINESS CONCERN		Docket Number (Optional) 18950-30
Applicant, Patentee, or Identifier: <u>Worthington, et al.</u>		
Application or Patent No.: <u>09/643,106</u>		
Filed or Issued: <u>August 21, 2000</u>		
Title: <u>METHODS AND APPARATUS FOR OPTICAL DISC DATA ACQUISITION USING PHYSICAL SYNCHRONIZATION MARKERS</u>		
I hereby state that I am <input type="checkbox"/> the owner of the small business concern identified below: <input checked="" type="checkbox"/> an official of the small business concern empowered to act on behalf of the concern identified below:		
NAME OF SMALL BUSINESS CONCERN <u>BURSTEIN TECHNOLOGIES, INC.</u>		
ADDRESS OF SMALL BUSINESS CONCERN <u>163 TECHNOLOGY DRIVE, SUITE 200</u> <u>IRVINE, CALIFORNIA 92618</u>		
<p>I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.</p> <p>I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:</p> <p><input type="checkbox"/> the specification filed herewith with title as listed above. <input checked="" type="checkbox"/> the application identified above. <input type="checkbox"/> the patent identified above.</p> <p>If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).</p> <p>Each person, concern, or organization having any rights in the invention is listed below: <input checked="" type="checkbox"/> no such person, concern, or organization exists. <input type="checkbox"/> each such person, concern, or organization is listed below.</p> <p>Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)</p> <p>I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date of which status as a small entity is no longer appropriate. (37 CFR 1.28(b))</p> <p>NAME OF PERSON SIGNING <u>RICHARD BURSTEIN</u></p> <p>TITLE OF PERSON IF OTHER THAN OWNER <u>PRESIDENT</u></p> <p>ADDRESS OF PERSON SIGNING <u>163 TECHNOLOGY DRIVE, SUITE 200, IRVINE, CALIFORNIA 92618</u></p> <p>SIGNATURE <u></u> DATE <u>10-5-00</u></p>		